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10/720,970	11/24/2003	Craig L. Reding	03-1018	5217
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/720,970
Filing Date: November 24, 2003
Appellant(s): REDING ET AL.

Craig L. Reding et al.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 01/29/2007 appealing from the Office action
mailed 06/26/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2003/0092451

Holloway et al.

05-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 112

I) The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 11, 21 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 11 recite the limitations of "forwarding calls intended for at least two of the communications devices to a second one of the communications devices in response to receipt of the indication and based on the user defined preferences". It is unclear whether these limitations are referring to the same calls being forwarded from two different communications devices (it is impossible for the same call being forwarded from at least two different communications devices to the particular communications device at the same "exact" time); therefore, making the claim indefinite.

Claims 21 and 22 recite the limitations of "forwarding calls intended for at least two of the communications devices to a third communications devices when the indication indicates that the first communications device is within range of the second communications device". It is unclear whether these limitations are referring to the same calls being forwarded from two different communications devices (it is impossible for the same call being forwarded from at least two different communications devices to the particular communications device at the same "exact" time); therefore, making the claim indefinite.

Claim Rejections - 35 USC § 102

II) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4-6, 8-16 and 18-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Holloway (US-2003/0092451).

Regarding claim 1, Holloway discloses a method for managing calls directed to a plurality of communications devices associated with a user ([0022]; see figs. 1-2 and descriptions) comprising:

receiving user-defined preferences regarding handling of calls directed to the plurality of communications devices (described as "a single transmitter can be programmed to recognize different mobile phones associated with it and to transfer each mobile phone to a different extension. This could be utilized in an office where multiple employees utilize mobile phones for business or in homes where both spouses carry mobile phones" see [0022] and [0017]);

storing the user defined preferences ([0017] and [0022]);

receiving an indication [0017] that a first one of the communications devices (fig. 2, 230) has moved within wireless communication range of a terminal (fig. 2, 220); and

forwarding calls intended for at least two of the communications devices to a second one of the communications devices (fig. 2, 240) ("phone 230 sends an overhead message to cellular system 210 requesting forwarding of calls to preferred phone 240" see [0017]) in response to receipt of the indication and based on the user defined preferences [0017].

Regarding claim 2, Holloway discloses the method as recited in claim 1, wherein receiving an indication comprises receiving an indication using a protocol comprising of Bluetooth [0019], IEEE 802.11(b), and IEEE 802.11(g) (inherently as “transmitter 220 is a low power RF transmitter” see [0017]).

Regarding claim 4, Holloway discloses the method as recited in claim 1, further comprising receiving a second indication that the first communications device has moved outside of wireless communication range of the terminal [0017]; and terminating the forwarding of calls to the second communications device in response to receipt of the second indication [0017];

forwarding calls intended for at least of two of the communications devices to the first communication in response to the receipt of the second indication ([0017] and [0015]).

Regarding claim 5, Holloway discloses the method as recited in claim 1, further comprising: receiving an indication that the first communications device has deactivated wireless communication with the second device (“remove the forwarding request” see [0017]).

Regarding claim 6, Holloway discloses the method as recited in claim 1, wherein the user defined preferences include a preference regarding forwarding calls to the first communications device when the first communications device is not within wireless

communication range of the terminal ([0014]-[0017] and [0022]).

Regarding claim 8, Holloway discloses the method as recited in claim 1, wherein the user defined preferences include a preference regarding forwarding a notification [0006] regarding a call based on the received indication ([0016]-[0017]).

Regarding claim 9, Holloway discloses the method as recited in claim 8, further comprising receiving, in response to the notification, an instruction regarding handling of the call ([0006] and [0016]-[0017]).

Regarding claim 10, Holloway discloses the method as recited in claim 9, wherein the instruction regarding handling of the call includes an instruction regarding forwarding the call to a user specified device ([0006] and [0016]-[0017]).

Regarding claim 11, Holloway discloses a system for managing a plurality of communications devices associated with a user (see figs. 1-2 and descriptions), comprising:

at least one processors (inherently described as "programmed"; see [0017] and [0022]) configured to:

receive user defined preferences regarding handling of calls directed to each of the communications devices ([0015]-[0017] and [0022]),

store the user defined preferences ([0017] and [0022]),

receive an indication regarding wireless communications between a first communications device (fig. 2, 230) and a second communications device (fig. 2, 220), and

forward calls intended for at least two of the communications devices to a third communications device (fig. 2, 240) in response to receipt of the indication ([0022] and [0017]).

Regarding claim 12, Holloway discloses the system as recited in claim 11, wherein the at least one processor is configured to receive an indication regarding wireless communications using a protocol comprising at least one of Bluetooth [0019], IEEE 802.11(b), and IEEE 802.11(g) (inherently as “transmitter 220 is a low power RF transmitter” see [0017] and [0022]).

Regarding claim 13, Holloway discloses the system as recited in claim 11, wherein the indication indicates that the first communications device has moved within wireless communication range of the second communications device [0017].

Regarding claim 14, Holloway discloses the system as recited in claim 11, wherein the at least one processor is further configured to:

receive a second indication that the first communications device has moved outside of wireless communication range of the second communications device [0017]; and

terminate the forwarding of calls intended for the at least two of the communication device to the third communications device in response to receipt of the second indication ([0017] and [0022]);

forward calls intended for at least of two of the communications devices to the first communication in response to the receipt of the second indication ([0017], [0015] and [0022]).

Regarding claim 15, Holloway discloses the system as recited in claim 11, wherein the at least one processors is further configured to receive a second indication that the first communications device has deactivated wireless communication with the second communications device ([0017] and [0015]).

Regarding claim 16, Holloway discloses the system as recited in claim 11, wherein the user defined preferences include a preference indicating that calls intended for at least the third communications device and a fourth communications device are to be forwarded to the first communications device when the first communications device is not within wireless communication range of second device [0017].

Regarding claim 18, Holloway discloses the system as recited in claim 11, wherein the user defined preferences include a preference regarding forwarding a notification [0006] regarding a call based on whether at least one processor receives an indication regarding wireless communications between the first device and the second

device ([0006], [0015]-[0017] and [0022]).

Regarding claim 19, Holloway discloses the system as recited in claim 11, wherein the at least one processor is further configured to receive, in response to the notification, an instruction regarding handling of the call ([0017] and [0022]).

Regarding claim 20, Holloway discloses the system as recited in claim 18, wherein the instruction regarding handling of the call includes an instruction regarding forwarding the call to a user specified device ([0017] and [0022]).

Regarding claim 21, Holloway discloses a system for managing calls directed to a plurality of communications devices associated with a user of a communications network (see figs. 1-2 and descriptions), comprising:

means for receiving user-defined preferences regarding handling of calls directed to the plurality of communications devices ([0017] and [0022]);

means for receiving an indication [0017] regarding wireless communications between a first communications device (fig. 2, 230) and a second communications device (fig. 2, 220); and

means for forwarding calls intended for at least two of the communications devices ([0017] and [0022]) to the third communications device (fig. 2, 240) when the indication indicates that the first communications device is not within range of the second communications device [0017]; and

means for forwarding calls intended for at least two of the communications devices ([0015]-[0017] and [0022]) to the first communications device when the indication indicates that the first communications device is not within range of the second communications device ([0015]-[0017] and [0022]).

Regarding claim 22, Holloway discloses a computer-readable medium containing instructions (inherently described as “programmed”; see [0017]) for performing a method for managing calls directed to one or more communications devices associated with a user of a communications network (see figs. 1-2 and descriptions), comprising:

receiving user-defined preferences regarding handling of calls directed to at least one of the communications devices ([0017] and [0022]);

storing the user defined preferences ([0017] and [0022]);

receiving an indication [0017] regarding wireless communications between a first communications device (fig. 2, 230) and a second communications device (fig. 2, 220); and

forwarding calls intended for at least two of the communications devices ([0017] and [0022]) to the third communications device (fig. 2, 240) when the indication indicates that the first communications device is not within range of the second communications device [0017]; and

forwarding calls intended for at least two of the communications devices ([0015]-[0017] and [0022]) to the first communications device when the indication indicates that the first

communications device is not within range of the second communications device ([0015]-[0017] and [0022]).

(10) Response to Argument

A) Appellant's arguments with regard to the rejection under 35 U.S.C. 112, first paragraph have been fully considered and are persuasive, therefore this rejection is withdrawn.

B) Appellant's arguments with regard to the rejection under 35 U.S.C. 112, second paragraph have been fully considered and are deemed not persuasive for following reasons.

Appellant argued that "Claim 1 does not recite that the "calls" intended for at least two of the communication devices are the same call". The examiner respectfully disagrees with the appellant's argument. Claim 1 recites the limitations of "forwarding calls intended for at least two of the communications devices to a second one of the communications devices in response to receipt of the indication and based on the user defined preferences". Since, the claim 1 does not clearly recite how and when the forwarding calls from two different communication devices to the second communication device takes place, therefore it is interpreted that the forwarding of calls from two different communication devices to the second communication device could happen at

the same exact time. Technically, it is impossible for the forwarding of calls being forwarded from at least two different communications devices to the particular communications device at the same "exact" time; therefore, making the claim indefinite. For these above reasons, the examiner respectfully submits that the rejection of claims 1, 11, 21 and 22 (claims 11, 21 and 22 recite a similar feature) under 35 U.S.C. 112, second paragraph is proper.

C) Appellant's arguments with regard to the rejection under 35 U.S.C. 102 based on Holloway have been fully considered and are deemed not persuasive for following reasons.

Appellant argued that "Holloway, however, clearly does not disclose or suggest forwarding calls intended for at least two of the communications devices to a second one of the communications devices in response to receipt of the indication and based on the user-defined preferences, as recited in claim 1". The examiner respectfully disagrees with the applicant's argument. Holloway discloses methods and systems for automatic communication line management based on device location and/or more particularly described as "Proximity of a mobile phone to a preferred phone is detected by radio frequency or Bluetooth equipped device, triggering automatic forwarding of calls for the mobile phone to the preferred telephone number" (see Abstract). Holloway further discloses that a mobile phone (fig. 2, mobile phone 230 is interpreted as a first communication device of claimed limitation) is able to recognize a signal of a transmitter (fig. 2, transmitter 220 is interpreted as a terminal of claimed limitation), when the

mobile phone comes within the range of transmitter (see [0017]). The mobile phone also sends a request to the communication system for forwarding of calls from other communication devices to a preferred phone (fig. 2, preferred phone 220 is interpreted as a second communication device of claimed limitation). Since, Holloway's system could be utilized in an office where multiple employees utilize mobile phones for business or in homes where both spouses carry mobile phones and the override the transfer of calls can be programmed into a button on the mobile phone (see [0021]-[0022]); therefore, Holloway discloses the claimed limitation of "forwarding calls intended for at least two of the communications devices to a second one of the communications devices in response to receipt of the indication and based on the user-defined preferences". For these above reasons, the examiner respectfully submits that the rejection of claims 11-13, 15 and 18-22 (claims 11-13, 15 and 18-22 recite a similar feature) under 35 U.S.C. 102 is proper.

In response to appellant's arguments with regard to the rejection of claims 4, 14, 16 and 22, that "Holloway does not disclose or suggest forwarding any calls intended for other communications devices to mobile phone 230, in response to receipt of a signal indicating that mobile phone 230 is outside of wireless communication range of transmitter 220". The examiner respectfully disagrees with the appellant's arguments. Holloway discloses that when the mobile phone is outside of the range of the transmitter and the mobile phone is able to recognize that it is no longer receiving the signal from the transmitter, the mobile phone sends a request to the communication system to

terminate forwarding calls from other communication devices to the preferred phone (see [0017]). Since, the communication system stops forwarding calls from other communication devices to the preferred phone, calls from other communication devices will be forwarded directly to the mobile phone. Consequently, Holloway discloses forwarding any calls intended for other communications devices to mobile phone 230, in response to receipt of a signal indicating that mobile phone 230 is outside of wireless communication range of transmitter 220". For these above reasons, the examiner respectfully submits that the rejection of claims 4, 14, 16 and 22 (claims 14, 16 and 22 recite a similar feature) under 35 U.S.C. 102 is proper.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Art Unit: 2617

(12) Conclusion

For the above reasons, it is believed that the rejection is proper, and the Board of Patent Appeals and Interferences is therefore respectfully urged to sustain the Examiner's rejection.

Respectfully submitted,

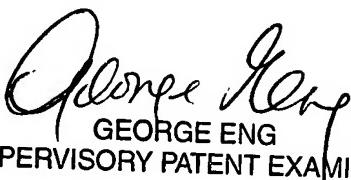
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